

# COUNTY OF YORK

## MEMORANDUM

**DATE:** August 21, 2000 (BOS Mtg. 9/19/00)

**TO:** York County Board of Supervisors

**FROM:** Daniel M. Stuck, County Administrator

**SUBJECT:** Application No. ZM-51-00, St. Mark Lutheran Church

### ISSUE

Application No ZM-51-00 requests amendment of the York County Zoning Map to reclassify six (6) parcels encompassing approximately 7.5 acres, located at 118 Old York Hampton Highway from IL (Limited Industrial) to GB (General Business) subject to conditions voluntarily proffered by the property owner. The church is seeking this change in order to accommodate future expansion. The parcels are further identified as Assessor's Parcel No. 24-185A, 24-(60)-4, 24-(60)-17, 24-(60)-18, 24-(60)-20, and 24-(60)-21.

### DESCRIPTION

- Property Owner: St. Mark Lutheran Church
- Location: 118 Old York-Hampton Highway (Route 634)
- Area: 7.5 acres
- Frontage: 650 feet along Old York-Hampton Highway and 400 feet along Freedom Boulevard
- Utilities: Public water and sewer service are available to the property
- Topography: Mostly flat
- 2015 Land Use Map Designation: Limited Industrial
- Zoning Classification: IL – Limited Industrial
- Existing Development: St. Mark Lutheran Church
- Surrounding Development:
  - North: Undeveloped property
  - East: Victory Industrial Park
  - South: Vacant General Business zoned property, American National Red Cross beyond
  - West: General Business zoned property (various commercial uses), Route 17 beyond
- Proposed Development: None

### CONSIDERATIONS/CONCLUSIONS

1. The applicant is requesting amendment of the Zoning Map to reclassify six (6) parcels, encompassing approximately 7.5 acres, from IL (Limited Industrial) to GB (General Business). All parcels except for the existing sanctuary are part of the Victory Industrial Park and are located on the north side of Old York Hampton Highway's intersection with Freedom Boulevard. The church is seeking this change to accommodate future expansion in light of the July 18<sup>th</sup> amendment to the Zoning Ordinance that prohibits churches in the IL zoning district. As a result of this action, St. Mark became a non-conforming use. The church believes that such designation could limit future expansions that are planned. A General Business designation would make the church a permitted use thereby preserving the church's ability to expand on its property. The Comprehensive Plan designates this area for Limited Industrial uses.
2. St. Mark Lutheran Church is located at Old York Hampton Highway's intersection with Freedom Boulevard (see attached map). The church was constructed on this property over 20 years ago and at the time of its construction, the front half of the property was zoned B1 (Business) and the rear half was zoned M2 (Heavy Industrial). The property now encompasses a total of six (6) parcels that adjoin the church, five (5) of which are part of Victory Industrial Park and are relatively recent acquisitions by the church. During two previous comprehensive rezonings, the church's property was reclassified by the County to (IG) General Industrial (1985) and to (IL) Limited Industrial (1995). Unlike the previous zoning categories, the 1995 rezoning added churches as a permitted use in the IL district. Taking into consideration the recent amendment, churches are a permitted use in all districts except for the two industrial districts, IG and IL, WCI (Water-Oriented Commercial/Industrial), and the RC (Resource Conservation) district. There are sixty-seven (67) church properties in the County, of which approximately 30% are located in a commercial zoning district; however, St. Mark is the only church located in the IL category. From a zoning standpoint, St. Mark's status is unique in relation to other church property in the County.
3. The recent action to eliminate churches as a permitted use in the Limited Industrial district has put St. Mark in a restricted non-conforming use category. Future expansion plans by the church would be strictly limited if the church were to remain under the current IL zoning category. The character associated with church uses (e.g., education, child-care, offices, traffic volumes, etc.) is more consistent with a commercial or business category than an industrial category. Commercial property is well established in the immediate area surrounding church property. The church is adjacent to several General Business zoned properties and if approved, the new zoning classification will be consistent with these uses.
4. As part of the proposal, the applicant has voluntarily proffered to exclude specific uses that would otherwise be permitted under a General Business reclassification.

5. The following uses would not be permitted if this rezoning were approved: Restaurant/Fast Food, Restaurant/Drive In, Car Wash, Convenience Store, Automobile Fuel Dispensing Establishment/Service Station, Neighborhood Shopping Center, and Community or Regional Shopping Center. I believe that these uses have the most potential to create negative impacts on the roadways and surrounding land uses and I support the applicant's proffer statement to prohibit these uses.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its August 9 meeting and, subsequent to conducting a public hearing, voted 5:0 (Mr. Semmes and Ms. White absent) to recommend approval.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

This application has a unique set of circumstances, especially with regard to the church's current zoning classification and status as a permitted use. For that reason, the applicant's request is logical considering the recent action to eliminate churches as a permitted use in the IL district. To that end, I believe that a General Business classification would allow St. Mark to enjoy a zoning classification afforded to many other churches in the County and one that is more similar to the church's uses than is the Limited Industrial category. A General Business designation would be compatible with the existing Victory Industrial Park and adjoining land use designations and patterns. The Comprehensive Plan is not property line specific and, therefore, extending GB across the road is not unreasonable. It is worth noting that the Church has been planning an expansion on their property for the past two years during a time when churches were permitted as a matter of right; a non-conforming status could severely limit those plans. Approval of this request would preserve the church's future expansion plans. The proffers would ensure that the remaining available uses are those that have the least potential to create negative impacts if, for some unforeseen reason, the property is ever sold and developed commercially. Therefore, based on the above considerations and conclusions, I recommend that the Board approve this application. This may be accomplished with the adoption of Ordinance No. 00-18.

Baldwin/3495.msk

#### Attachments

- Excerpts, Planning Commission minutes 8/9/00
- Zoning Map
- Vicinity Map
- Memorandum, James W. Noel, Jr., Executive Director, York County IDA, to Michael King dated July 27, 2000
- Proffer statement submitted by the property owner dated July 28, 2000
- Proposed Ordinance No. 00-18